IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 9278 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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BHAVESH KIRTILAL PATEL - Petitioner(s)
Versus
DISTRICT PRIMARY EDUCATION OFFICER & 2 - Respondent(s)

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Appearance :

MR BHARAT JANI for Petitioner(s) : 1,
MR HS MUNSHAW for Respondent(s) : 1,
Mr. Vipul Mistry, Asst. GOVERNMENT PLEADER for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 18/04/2007

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, order or direction directing the respondents to appoint the petitioner as a Primary Teacher. It was the contention on behalf of the petitioner that though the petitioner was selected by the respondent No.1 after following due procedure of selection still the petitioner was not appointed as a Primary Teacher. It is required to be noted

that the present Special Civil Application is filed in the year 1997.

2. Today, when the matter is called out, Shri Bharat Jani, learned advocate appearing for the petitioner has submitted that he has no further instruction from the petitioner despite his best efforts of writing letters. Shri Munshaw, learned advocate appearing on behalf of respondent No.1 has submitted that he has also no instruction as the entire record is destroyed in the Earthquake which had occurred in 2001. Considering the above, the present Special Civil Application is disposed of as in the meantime the petitioner must have been appointed as Primary Teacher or Balguru and/or on any other post. However, liberty is reserved in favour of the petitioner to revive in case of difficulty. With these, the present petition is disposed of. Rule is discharged. No costs.

[M.R. Shah, J.]

rmr.